IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 708 of 2005

Between:

Smt. K. Kullayamma, W/o. Sunkarappa,
Thimmirikuntla Palli Village, Amadagur Mandal,

Anantapur District.

... PETITIONER

AND

1 The District Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Penukonda Division,

Penukonda, Anantapur District.
3 The Mandal Revenue Officer, Amadagur Mandal, Amadagur,

Anantapur District.
4 P. Thirupal, S/o. P. Venkataramanna,R/o. Mohammadabad

Village, Amadagur Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus declaring the impugned orders passed by the Respondent in Rc.No. 2196/04/E dated 9-12-2004 and orders passed in Rc.No. K4/1995/2004 dated 11-1-2004 as illegal, arbitrary and violative of Clause 5(iv) of A.P.State Public Distribution System Control Order, 2001 and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the orders passed by the respondents while directing the respondents to continue the petitioner as Fair Price Shop Dealer of Thimmirikuntla Palli Village, Amadagur Mandal, Anantapur District.

Counsel for the Petitioner: MR.M.PRASADA RAO

Counsel for Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: Mr.S.D.Gowd.

The Court at the admission stage made the following:

O R D E R:

The petitioner is functioning as a dealer of Fair Price Shop of Thimmirikuntla Palli village of Amadagur Mandal, Anantapur District. The second respondent, Revenue Divisional Officer, Penukonda, issued an order of suspension-cum-show cause notice dated 9.12.2004. As many as five charges were leveled against the petitioner, and the petitioner was directed to explain as to why the dealership shall not be cancelled. The authorization of the petitioner was suspended, pending the enquiry. Aggrieved by the same, the petitioner preferred an appeal before the first respondent, together with an application for stay. Through his order dated 11.01.2005, the first respondent rejected the application for stay. The fourth respondent is said to have been appointed as temporary dealer. The petitioner feels aggrieved by the rejection of application for stay, as well as the appointment of the fourth respondent as temporary dealer.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended, pending enquiry into certain charges. Through the same proceedings, the petitioner is required to submit her explanation to the five charges, mentioned therein. The truth or otherwise of the allegations, against the petitioner, needs to be decided only after the petitioner submits her explanation. As of now, this Court does not find any basic legal infirmity in the order of suspension. The first respondent did not choose to pass any interim order obviously, having regard to the nature of allegations against the petitioner. Therefore, no interference is called for with the same.

Learned counsel for the petitioner states that pendency of appeal under these circumstances would further prolong the proceedings initiated by the second respondent, and to avoid further complications in the matter, the second respondent may be directed to conclude the proceedings.

In the totality of the circumstances, the writ petition is disposed of, with the following directions:

a. In case the petitioner has not submitted her explanation to the show-

cause notice, she shall be entitled to submit the same, within ten days from today.

b. The second respondent shall conclude the proceedings before him, within four weeks from the date of submission of the explanation by the petitioner, uninfluenced by any observations made herein.

c. The supply of essential commodities in the Fair Price Shop concerned, in favour of the fourth respondent, shall be subject to the final orders that may be passed by the second respondent.

Since the second respondent is directed to conclude the proceedings, as indicated above, the appeal preferred by the petitioner before the first respondent becomes superfluous, and in that view of the matter, no orders need be passed therein. There shall be no order as to costs.

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31st January, 2005

Note: Issue copy in two days.

(B/o)pan

To

1 The District Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Penukonda Division,

Penukonda, Anantapur District.

3 The Mandal Revenue Officer, Amadagur Mandal, Amadagur,

Anantapur District.
4 Two C.Cs. to the Government Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies